

ENTERED

April 23, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

HERRADO MOLINA,

Plaintiff,

VS.

MICHELLE D. ESPARZA, *et al*,

Defendants.

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CIVIL ACTION NO. 2:19-CV-395

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DISMISS CERTAIN CLAIMS AND RETAIN CASE**


On March 12, 2020, United States Magistrate Judge Jason B. Libby entered his “Memorandum and Recommendation to Dismiss Certain Claims and Retain Case” (D.E. 20). Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 20), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court **DISMISSES**

Plaintiff's claims (1) for money damages against Defendants in their official capacities as barred by the Eleventh Amendment and (2) for injunctive relief against Defendants as rendered moot by Plaintiff's transfer to another TDCJ facility. All other claims are retained.

ORDERED this 23rd day of April, 2020.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE